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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,319	01/18/2005	Weishi Li	0064.0001US1	9115
26211 FISH & RICHA	7590 07/25/200 ARDSON P.C.	8	EXAMINER	
P.O. BOX 1022			TRAN, DZUNG D	
MINNEAPOLIS, MN 55440-1022			ART UNIT	PAPER NUMBER
			2613	
			MAIL DATE	DELIVERY MODE
			07/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
Office Action Summers	10/519,319	LI ET AL.				
Office Action Summary	Examiner	Art Unit				
	Dzung D. Tran	2613				
The MAILING DATE of this communication a Period for Reply	ppears on the cover sheet	with the correspondence ac	ddress			
A SHORTENED STATUTORY PERIOD FOR REP WHICHEVER IS LONGER, FROM THE MAILING - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory perional Failure to reply within the set or extended period for reply will, by statue Any reply received by the Office later than three months after the mail earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUN 1.136(a). In no event, however, may d will apply and will expire SIX (6) M ute, cause the application to become	NICATION. a reply be timely filed ONTHS from the mailing date of this of ABANDONED (35 U.S.C. § 133).	•			
Status						
1) Responsive to communication(s) filed on 20	May 2008					
	nis action is non-final.					
	· 					
) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
closed in accordance with the practice under	Ex parie Quayre, 1999 O	.D. 11, 400 O.O. 210.				
Disposition of Claims						
4) ☐ Claim(s) 1-18 is/are pending in the application 4a) Of the above claim(s) is/are withdr 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) 1-18 are subject to restriction and/or	rawn from consideration.					
Application Papers						
9)☐ The specification is objected to by the Examiner.						
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
Applicant may not request that any objection to th	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the B	11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.					
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority docume 2. Certified copies of the priority docume 3. Copies of the certified copies of the priority application from the International Bure * See the attached detailed Office action for a list	nts have been received. nts have been received in iority documents have bee au (PCT Rule 17.2(a)).	Application No en received in this National	l Stage			
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper N	v Summary (PTO-413) o(s)/Mail Date				
Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	5) Notice of 6) Other: _	f Informal Patent Application				

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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-5 and 10-14, drawn to a WDM system comprising a transmitting module, a receiver module and a switch, classified in class 398, subclass 68.
 - II. Claims 6-9 and 15-18, drawn to a method for monitoring the quality of signals in each channel, classified in class 398, subclass 33.
- 2. The inventions are distinct, each from other because of the following reasons:

 Inventions I, II are unrelated. Inventions are unrelated if it can be shown that
 they are not disclosed as capable of use together and they have different modes of
 operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In
 the instant case the different inventions are unrelated because invention I is related to a
 WDM system comprising a transmitting module, a receiver module and a switch.
 Invetion II related to a method for monitoring the quality of signals in each channel. The
 invention I and II different because invention I does not include the method for
 monitoring the quality of signals in each channel.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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4. Because these inventions are distinct for the reasons given above and the

search required for Group I is not required for Group II, restriction for examination

purposes as indicated is proper.

5. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dzung D Tran whose telephone number is (571) 272-

3025. The examiner can normally be reached on 9:00 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

DT

07/19/2008

/Dzung D Tran/

Primary Examiner, Art Unit 2613